IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 10902 of 2007(W)

PETITIONER:

B.SUMADEVI, W/O.SREEKUMAR,
MOOLATHODU HOUSE, A.K.G.ROAD,
EDAPPALLY TOLL,
EDAPPALLY P.O., COCHIN - 24.

BY ADV. SRI.N.K.SUBRAMANIAN
SRI.S.ANANTHAKRISHNAN

RESPONDENTS:

1. THE THANNERMUKKAM NORTH COIR VYAVASAYA CO-OPERATIVE SOCIETY LTD. NO.482, THANNEERMUKKAM P.O, CHERTHALAI, ALAPPUZHA DIST. REP. BY ITS SECRETARY.

2. COIR PROJECT OFFICER, ALAPPUZHA.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.10902 of 2007

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Dated this the 29th day of March, 2007

J U D G M E N T

The petitioner was working as Business Manager in the 1st respondent society. She was dismissed from servce after a disciplinary enquiry. By Ext.P1, the 2nd respondent directed the 1st respondent society to reinstate the petitioner. However, for personal reasons, she did not want to rejoin. But she wanted financial benefits due to her such as arrears of salary, medical allowance, security deposit, provident fund, gratuity and full pay during the period of suspension. The same were not paid by the 1st respondent to the petitioner. The petitioner filed Ext.P4 application under Section 66 of the Kerala Co-operative Societies Act. The petitioner seeks a direction to the 2nd respondent to consider and pass orders on Ext.P4.

2. I have heard the learned counsel for the

petitioner.

3. I am not satisfied that Section 66 enquiry is intended for such purposes. A reading of Section 66 itself would show that the intention behind Section 66 is for other purposes to see that the society runs it business in accordance with the Kerala Co-operative Societies Act and Rules. In the above circumstances, the remedy available to the petitioner is to file an Arbitration Dispute before the Arbitration Court under Section 69 of the Act read with Section 2(d) thereof. In the above circumstances, without prejudice to the right of the petitioner to seek her remedies under Section 69 before the Arbitration Court, this writ petition is dismissed.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.